

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

FILED

JUN 29 2016

U.S. DISTRICT COURT  
EASTERN DISTRICT OF MO  
ST. LOUIS

UNITED STATES OF AMERICA,

Plaintiff,

v.

WEN Q. QIAN,

Defendant.

No.

**4:16CR00269 RLW**

INFORMATION

COUNT ONE

The United States Attorney charges that:

A. FRAMEWORK FOR THE PROTECTION OF WILDLIFE

1. The Convention on International Trade in Endangered Species ("CITES") is an international agreement that provides protection to fish, wildlife, and plants that are and could become imperiled due to the impact of trade and demands of international markets. CITES has been signed by more than 170 countries including the United States and China. CITES regulates the international trade and transport of species that are threatened with extinction (listed in Appendix I), species that are not currently threatened with extinction, but would become so absent regulation (listed in Appendix II), and species for which a member country requests assistance in controlling trade (listed in Appendix III). CITES was implemented in the United States as part of the Endangered Species Act ("ESA"), 16 U.S.C. §§ 1537a-1538, and through regulations found as Part 23 of Title 50 of the Code of Federal Regulations.

2. Trade in elephant ivory has been regulated under CITES since 1976. All elephant species are protected under either CITES Appendix I or II. Under Appendix I of CITES, a species can be exported from the United States to a foreign country only if, prior to exportation, the exporter possesses a valid CITES import document for that item issued by the country of import, as well as valid corresponding CITES documentation issued by the United States. 50 C.F.R. §§23.13, 23.20 and 23.35. Under Appendix II of CITES, a species can be exported from the United States to a foreign country only, if prior to exportation, the exporter possesses valid CITES export documents for that item issued by the United States. 50 C.F.R. §§ 23.13 and 23.20. An animal species listed in any Appendix to CITES cannot be exported from the United States without prior notification to, and approval from, the U.S. Fish and Wildlife Service ("USFWS"). 50 C.F.R. §§ 23.13 and 23.20. Exporters are further required to complete a Declaration for Importation or Exportation of Fish and Wildlife that must be filed with the USFWS prior to export and at the port of exportation. 50 C.F.R. §14.63.

4. The Asian elephant (*Elephas maximus*) is a species of elephant native to south-central and southeastern Asia. The Asian elephant is listed on Appendix I of CITES, and was listed as an endangered species in June 1976. 41 Fed. Reg. 24064.

5. The African elephant (*Loxodonta africana*) The African elephant is listed in Appendix I of CITES, though certain population of African elephants (specifically those from South Africa, Namibia, Botswana, and Zimbabwe) are listed in Appendix II, accompanied by a special annotation allowing only non-commercial international trade in specimens of those populations. The African elephant was listed as a threatened species under the ESA in May 1978. 43 Fed. Red. 20504.

6. The Lacey Act makes it unlawful for a person to knowingly make a false record, account of identification for wildlife that has been or is intended to be transported in interstate or foreign commerce. 16 U.S.C. §§3372(d) and 3373(d)(3)(A).

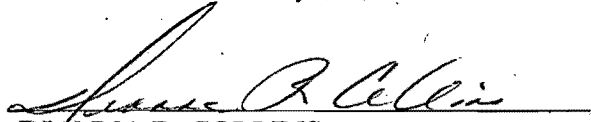
7. On or about June 16, 2011 in Saint Louis County, in the Eastern District of Missouri, the defendant,

**WEN Q. QIAN,**

did knowingly make and cause to be made a false record, account, label for, and false identification of wildlife, that is elephant ivory (family Elephanitidae), in that the defendant created and caused to be created documents falsely identifying the elephant ivory as toys, said elephant ivory having been and intended to be transported in interstate and foreign commerce, in violation of Title 16, United States Code, Sections 3372(d)(2) and 3373(d)(3)(A)(i), and Title 18, United States Code, Section 2.

Respectfully submitted,

RICHARD G. CALLAHAN  
United States Attorney



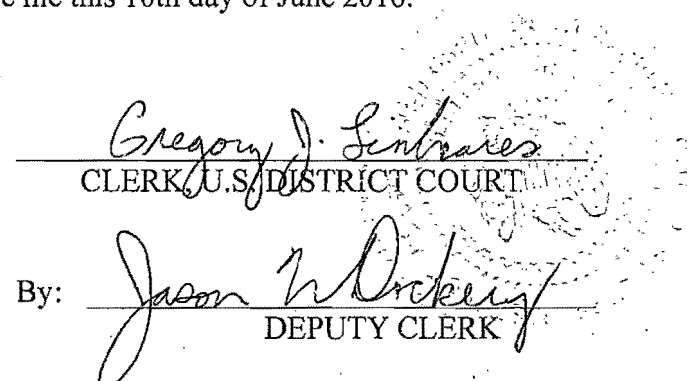
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UNITED STATES OF AMERICA           )  
EASTERN DIVISION                    )  
EASTERN DISTRICT OF MISSOURI    )

I, Dianna R. Collins, Assistant United States Attorney for the Eastern District of Missouri,  
being duly sworn, do say that the foregoing information is true as I verily believe.



Subscribed and sworn to before me this 10th day of June 2016.

  
Gregory J. Lentz  
CLERK, U.S. DISTRICT COURT

By: Jason W. Dickey  
DEPUTY CLERK